
APPLICATION DETAILS

Application No:	24/0259/FUL
Location:	20, Fountains Drive, Middlesbrough, TS5 7LJ
Proposal:	Erection of 1no. detached dwelling
Applicant:	Mr John Bradley
Agent:	Sean Mclean, Sean Mclean Design
Ward:	Acklam
Recommendation:	Approve with conditions

SUMMARY

This application seeks the erection of three bedroomed two storey detached dwelling on an area of residential garden located to the north of 20 Fountains Drive, Acklam. The proposed vehicle access and driveway for the dwelling will be located off Sledmere Drive.

The application site is a corner plot located at the junction of Fountains Drive and Sledmere Drive within a predominantly residential area of Acklam. The dwelling design has a double frontage with the main front entrance facing Sledmere Drive. The frontage facing Fountains Drive includes a single storey off-shoot. The boundary treatment will be a 2-metre-high close boarded fence set back from the pavement which will enclose the rear garden boundary along Sledmere Drive.

The application site was previously granted planning permission for a detached two storey property in 2012 and for a separate application for a dormer bungalow on the site in 2015.

A planning application for a two-storey dwelling was refused at planning committee in September 2021 on the grounds that the scale, design and position of the proposed property would have a detrimental impact on the open character of the area and on the amenity of the adjacent properties, contrary to Local Plan Policy DC1 (Appendix 2).

The refusal decision was upheld by the planning inspector in January 2022 (Appendix 4). The inspector commented that the proposed dwelling would occupy a large proportion of the open garden at the side of the host dwelling (20 Fountains Drive) with the property having similar proportions to the neighbouring houses and similar materials. The inspector commented that whilst the new dwelling would fall in line with established front building line it would have a significantly deeper floor plan which meant at the rear it would project beyond the rear elevations of the neighbouring houses by approximately 5 metres in total, albeit it only 2.5 metres would be two storeys. The inspector concluded that by virtue of it's scale, bulk and almost featureless gable wall the dwelling would be dominant and incongruous in this prominent corner location and would be harmful to the character and appearance of the surrounding area, contrary to Policy DC1.

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In October 2023 a planning application for a similar scale and designed two-storey dwelling was refused at planning committee. The sole reason for refusal was that suitable nutrient neutrality mitigation had not been provided for the site. (Appendix 3).

For clarity, following the 2021 and 2023 planning applications there have been the following alterations to both the application site and 20 Fountains Drive which were completed under the permitted development regulations and therefore did not require planning permission :-

- Demolition of the detached garage on the application site
- Relocation of the rear garden fence between the application site and 20 Fountains Drive
- Installation of a front garden fence at 20 Fountains Drive
- Installation of a driveway to the front of 20 Fountains Drive
- Relocation of the entrance door and first floor window from the side elevation to the front of 20 Fountains Drive.

Following a consultation exercise there have been 20 individual letters of objection received from neighbours and an objection from Councillor Tom Livingstone. The objections relate primarily to loss of privacy, overbearing impact, noise and disturbance, overdevelopment, out of keeping with the area, revisions minimal changes, covenant in place that no development on corner plots, state of the current site, precedent, previous application refused at committee and upheld at appeal, highway and pedestrian safety issues with loss of visibility on the corner will create a blind spot and parking issues both during and after construction.

The revised design and reduced scale of the proposed dwelling from the previous refused scheme in 2021 are considered to achieve a property which is in keeping with the scale, design and character of the existing semi-detached two-storey properties along Fountains Drive.

The separation distances, location of the dwelling and the position of the windows/doors in relation to other properties are considered to ensure the privacy and amenity of the neighbouring properties will not be significantly affected.

The proposed vehicle access to the rear of the property taken from Sledmere Drive is sufficient distance from the junction to ensure no impact on the existing visibility splays, whilst providing adequate parking provision for the proposed dwelling with no notable additional impacts on highway safety.

The applicant has provisionally secured the required level of nutrient neutrality credits from Natural England.

The revised plans are therefore considered to accord with Local Plan Policies DC1, CS4, CS5 and H11.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located on the corner of Fountains Drive and Sledmere Drive and is an area of residential garden which formed part of 20 Fountains Drive. To the east of the site is a bungalow at 22 Sledmere Drive and to the north are bungalows located at 27 and 29 Sledmere Drive and 18 Fountains Drive. Directly opposite to the west are bungalows at 1 North Wood and 15 Fountains Drive.

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The proposal is for a detached three bedroomed dwelling with a driveway for three cars and associated garden space. The main entrance to the dwelling and driveway access will be from Sledmere Drive. The dwelling will be two-storey with a pitched roof design and maximum ridgeline roof height of 7 metres. The dwelling design includes a single storey off-shoot to the elevation fronting Fountains Drive with the overall building footprint being 51.6 square metres. The position of the dwelling within the site will be in line with the existing front building lines along both Fountains Drive and Sledmere Drive.

The proposed materials will be multi red facing brickwork, slate effect roof tiles and anthracite grey Upvc windows with tegular block paving for the driveway.

The boundary treatment will be a 2-metre-high close boarded fence sited along the northern boundary and set back from the footpath on Sledmere Drive. The proposed driveway will be located towards the eastern boundary of the site with access gates set back 5 metres from the footpath.

The proposal is supported by a design and access statement.

PLANNING HISTORY

M/FP/0352/12/P – Erection of 1no detached dwelling and garage, approved June 2012.

M/FP/0614/15/P - Erection of 1no dormer bungalow with detached garage and landscaping (demolition of existing garage), refused July 2015.

The reason for refusal were the scale and position within the plot in relation to the surrounding housing layout and built form creating an undue impact on the appearance and character of the area due to the prominent corner plot position.

M/FP/1345/15/P - Erection of 1no dormer bungalow with landscaping and boundary treatment (demolition of existing garage), approved by committee in February 2016.

21/0290/FUL – Erection of 1 No detached dwelling. Officer recommendation for approval with conditions and was refused by members at planning committee on 14th September 2021 due to the scale, design and position having a detrimental impact on the open character of the area and the amenity of the adjacent properties. The subsequent appeal was dismissed.

The inspector commented that the proposed dwelling would occupy a large proportion of the open garden at the side of the host dwelling with the property having similar proportions to the neighbouring houses and similar materials. The inspector commented that whilst the new dwelling would fall in line with established front building line it would have a significantly deeper floor plan which meant at the rear it would project beyond the rear elevations of the neighbouring houses by approximately 5 metres in total, albeit it only 2.5 metres would be two storeys. The inspector concluded that by virtue of it's scale, bulk and almost featureless gable wall the dwelling would be dominant and incongruous in this prominent corner location and would be harmful to the character and appearance of the surrounding area, contrary to Policy DC1.

22/0259/FUL – Erection of 1 No detached dwelling. Officers recommended refusal for the sole reason that nutrient neutrality mitigation measures had not been provided on site and was subsequently refused at committee on the 12th October 2023.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land

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- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development
CS5 – Design
CS4 - Sustainable Development
H11 - Housing Strategy

UDSPD - Urban Design Supplementary Planning Document
National Design Guide 2021

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

There have been 20 individual objection comments received and an objection from the Ward Councillor Tom Livingstone.

It is noted that a pro-forma letter was initially submitted but was not signed by the individuals and was sent from a single email address so could not be accepted as individual objection comments.

The objection comments are summarised below:-

Character and appearance

- Open plan estate with properties set back with same appearance and character
- Corner properties within the estate are large plots
- Predominantly bungalows in vicinity
- Sledmere has 29 bungalows and no houses, Fountains Drive has 19 bungalows. 1 bungalow on Northwood which adjoins 15 Fountains Drive which face the site. 29 Semi-detached properties on Fountains Drive in blocks of 4 but no 304 bedroomed houses.
- Dominant and overbearing
- Overdevelopment. Scale of development almost both ends of boundary and the fence line out of character with the street scene
- Site visit helpful due to the current dangerous state of the site since last refusal decision.
- Double standards as when building plot at 7 Fountains Drive advised dormer bungalow would be suitable not two-storey dwelling and no fence around the new double garage to the side of 7 Fountains Drive. This proposed fence beyond building line.

Amenity

- Impact on privacy levels to unacceptable degree

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- Revised plans have moved the rear elevation back 1 metre which is minimal and no bearing on impact
- If allowed should be restrictions on future extensions, restrictions on work vehicles and working times.
- Understood only bungalows built in the area so no one could be overlooked

Highways

- Sledmere/Fountains Drive extremely busy and rat run with 2 school runs a day and other motorists at high speeds
- Site corner plot which is open but already many near misses mounting grassed area opposite
- Proposal would make this a completely blind corner and increase accident levels at least tenfold
- Pedestrian safety issues with school children
- Positioning of the driveway directly opposite an existing residential driveway when remaining drives on Sledmere Drive at a tangent for safety and access parking.
- Ominous 3 car parking spaces shown for parking standards for a 4 bedroomed house when a 3 bedroomed house only requires 2 spaces.
- Visitors to the house would have to park on the street and on the corner so safety issues
- Path on the plans show where the vehicles will be parked on the road and not the driveway.
- Lived here 20 months and almost 5 accidents at the junction if one occurs will be Councils fault

Nutrient Neutrality

- Provisional credit in place but this should not be green light for this to go ahead, little or no bearing on this application as part of the course.

Site history

- Consideration should be given to 3 previous refusals and the appeal which was dismissed and the Inspectors reason for refusal
- Under previous report stated site should be cleared feel this has been left to pressure residents to agree to development.

Residual issues

- Cannot believe planning department considering this again as upsetting to residents.
- Number 20 now been sold so the application seems incorrect as being no 20.
- Covenant I place for 25 years to preserve the look/aspect of the area
- Reduced bungalow scheme to be more suitable but money-making scheme looking to maximise everything
- Precedent if this approved then surrounding corner plots will sell land and the area will become overdeveloped
- If approved will reapply for extensions for additional bedroom space making mockery of system
- Current site left as a dumping ground despite reporting this to the Council and MP's
- No action over the state of the site in the last 12 months yet during my build had inspections and legal letters if site not clear and blocking people's access.

Public Responses

Number of original neighbour consultations 41

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Total numbers of comments received	20
Total number of objections	20
Total number of support	0
Total number of representations	0

Objection addresses

7A, 9, 11, 15, 19, 20, 23, 24 Fountains Drive
114 Hall Drive
14, 17, 19, 25, 27 Sledmere Drive
1, 45 North Wood

The following comments have been received from the statutory consultees:-

Councillor Tom Livingstone

With regards to the above reference, I would like to object to this application and to be called to speak should the application be heard at a forthcoming meeting of the Planning and Development Committee.

Highways – MBC

Development proposals seek to erect a single dwelling on a corner plot of open land at the junction of Fountains Drive and Sledmere Drive.

The plot of land in question falls outside of the public highway and is not owned by the authority. As such sightlines for vehicles at the junction cannot include this area of land as it is not under the control of the authority. The sightlines that are achievable, within the public highway, are in accordance with national guidance and as such the construction of the dwelling will not have a detrimental impact on visibility nor highway safety.

Access and parking to the existing property (20 Fountains Drive) is to be taken from a new dropped vehicular crossing to Fountains Drive, which is acceptable and consistent with other properties in the locality.

Parking for both the existing and proposed dwelling is acceptable.

No highway objections are raised subject to conditions on car and cycle parking and a Method of Works Statement with an informative regarding the dropped kerb crossing.

Cleveland Police – Secure By Design (In summary)

I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Homes 2023 Guide at www.securedbydesign.com

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. This is expected as reference to Secured By Design is highlighted within the Design & Access Statement.

Strong consideration should also be given in relation to the provision of On- Site Security throughout the lifespan of the development. There is information contained within the Construction Site Security Guide 2021 also on the SBD website that may assist.

In addition to the above proposal I would also add the following comments and recommendations.

All doors and windows are recommended to be tested and certified PAS24:2020/2016 standards (or equivalent)

Dusk till dawn lights are recommended to each elevation with an external door-set.

Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Environmental Health - MBC

No comments

Waste Policy – MBC

No comments

Natural England (In summary)

Further information required to determine the impacts on designated sites.

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this proposal are the principle of the development, the impact on the character and appearance of the street scene, the impact on the privacy and amenity of the neighbouring properties, highway safety, Nutrient Neutrality and any other residual matters.

Principle of Development

2. The Council's Core Strategy Policies CS4 (Sustainable Development), CS5 (Design), DC1 (General Development) and Housing Local Plan Policy H11 (Housing Strategy) are relevant to this proposal.
3. Core Strategy Policy CS4(a) requires all new developments to contribute to sustainable economic development principles by making the most efficient use of land. The application site is within walking distance of major bus routes and the Newham Bridge Primary School, Beverley School, Outwood Academy and the facilities within the Saltersgill Avenue local centre. The application site is therefore considered to be within a sustainable location and accords with the guidance set out within Core Strategy Policy CS4 in these regards.
4. Housing Local Plan Policy H11 promotes the need to increase the supply of housing to meet the aspirations of the economically active population, which consolidates and builds upon the success of popular neighbourhoods within the town. Specifically, within South Middlesbrough Policy H11 emphasises the need to ensure the quality of life is maintained through protecting high environmental quality of the area and any new development to be of a high quality and density appropriate to the location. With any new housing being required to be sustainable and be a balanced mix.

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5. The National Planning Framework (NPPF) 2023, paragraph 11 establishes a presumption in favour of sustainable development and through its core planning principles encourages the planning system to promote economic development, including the provision of new housing, seeking high quality design and re-using land that has not been previously developed.
6. The application site is residential garden which was part of the residential curtilage of 20 Fountains Drive. The principle of a residential dwelling on the site was previously considered and either approved or accepted by separate planning applications in 2012, 2016, 2021 and 2023. Whilst the subsequent 2023 application was refused, the sole reason for refusal was the lack of adequate nutrient neutrality mitigation and not on the basis of providing a residential dwelling on the site.
7. The proposed two-storey detached dwelling is considered to provide a modest contribution to the existing housing supply. The existing street scene has a mixture of house types with semi-detached and detached bungalows alongside semi-detached and detached two-storey properties. Having taken into consideration the context of the existing housing supply within the area, the location of the proposed dwelling is considered acceptable.
8. The application site is considered to be within a sustainable location and is therefore considered to accord with the guidance set out in Local Plan Policies H11 (Housing Strategy) and Core Strategy CS4 (a).

Character and Appearance

Design/Layout – National and Local Policy Guidance

9. The Council's Core Strategy Policy CS5 (c) comments that all development proposals should '**....secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context.**'
10. Policy CS5 (f) comments that all new development should enhance both the built and natural environment.
11. Policy DC1 (b) comments that '**....the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality**'.
12. The Middlesbrough Urban Design SPD (UDSPD), adopted January 2013, provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.
13. The UDSPD recommends some basic principles are applied to development which is aimed at achieving good quality development, these being, to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit affects on daylight), avoiding flat roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy.

14. Specifically in relation to corner plots paragraph 5.4 (j) comments that **'...corner plots occupying sensitive locations within street scenes will require careful attention to design, in order to preserve building lines, appropriate areas of open space and include a level of detailing to avoid blank facades.'**
15. The National Planning Policy Framework (NPPF) 2023 establishes that good design is a key to achieving sustainable development. Chapter 12 'Achieving well designed places' states Local Authorities should provide design guides in accordance with the principles set out in the National Design Guide and National Design Guide Model to enable new development to reflect the local character and to provide design preferences.
16. Paragraph 135 of the NPPF sets out that planning decisions should ensure developments **'...function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'** and are **'...visually attractive as a result of good architecture, layout and appropriate and effective landscaping.'**
17. Specifically, within paragraph 135 of the NPPF reference is made to new development being **'.... sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'** with a **'.... high standard of amenity for existing and future users.'**
18. The NPPF paragraph 139 sets out that development which is **'....not well designed should be refused , especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents'**. With **'...significant weight given to development which reflects local design policies and government guidance on design, taking into account any local design guides and supplementary documents such as design guides and codes'**.
19. The National Design Guide (NDG) adopted in January 2021 establishes ten key characteristics of good design which interact to create and overall character of a place and applies to proposals of all sizes. Including the development context, identity, built form, movement, nature, public spaces, uses, homes & building, resources and lifespan. The ten key characteristics set out within the NDG have been used to assess this development.

Design/Layout Assessment

Context

20. Within the immediate vicinity of the application site is a mixture of house types and designs. To the south along Fountains Drive are two-storey semi-detached properties with single storey garages to the side. Directly opposite the application site are semi-detached bungalows along Fountains Drive and North Wood with additional semi-detached bungalows to the north and north-east along Sledmere Drive. To the north is an area of open space located on the corner of Sledmere Drive and Fountains Drive.

Site layout assessment

21. The proposed siting of the dwelling within the plot will retain the established front building line of the existing properties along both Fountains Drive and Sledmere Drive. The north elevation will be in-line with the front elevations of the bungalows to the east

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along Sledmere Drive. The west elevation would be in-line with the existing building line of the two-storey dwellings on the eastern side of Fountains Drive, excluding the single storey off shot which has been designed with a scale and appearance similar to that of a porch. The position of the proposed dwelling within the plot will retain an area of open grass to its frontage and side with an enclosed rear garden area. The rear garden boundary treatment will be set back from the pavement along Sledmere Drive.

22. The proposed dwelling has an overall width of 6 metres and ridgeline roof height of 7 metres, which is comparable to the existing semi-detached properties along Fountains Drive. The proposed footprint at 51.5 square metres is only slightly larger than the original 47 square metre footprints of the semi-detached two-storey properties along Fountains Drive, particularly as some of these properties have now been extended.
23. The rear building line of the proposed dwelling would extend only 0.5 metres beyond the original established building line of the rear elevations of the semi-detached properties along Fountains Drive. It should be noted that several of the semi-detached properties immediately to the south of the application site have extended their rear elevations. For example, 19 Fountains Drive having a two-storey side/rear extension and 22 and 24 Fountains Drive having single storey rear extensions.

Design Assessment

24. Objection comments have been received regarding the scale of the dwelling and the fact the proposal is for a detached two-storey dwelling in contrast to the designs of the bungalows along Sledmere Drive and the semi-detached properties along Fountains Drive.
25. The objections are noted, however there are existing two-storey dwellings in addition to bungalows within the immediate vicinity of the site. The proposed two-storey dwelling would sit to the north of an existing row of two-storey semi-detached properties along Fountains Drive and within the context of the detached and semi-detached bungalows along Sledmere Drive and Fountains Drive. The proposed two-storey design is therefore considered to be in keeping with the scale of built form in the surrounding environment.
26. Objection comments have been made regarding the fact corner plots within the street are open plan and the proposal would be out of character with this characteristic. The location of the proposed dwelling will see the loss of part of the existing side/rear garden of the original host dwelling, 20 Fountains Drive, which will result in the loss of an element of the existing open nature of this corner site. The proposed site layout has ensured an open space area is retained on the corner of the site at the junction of Fountain Drive and Sledmere Drive. Furthermore, the proposed 2-metre-high garden boundary fence will be set back from the pavement and designed to enclose only a small section to the side of the dwelling and the rear garden area. The site layout design has ensured the proposed dwelling will not dominate the views and character and appearance of this corner site. A condition will be placed on the application that any changes to the boundary location will require prior approval of the local planning authority.
27. The design of the dwelling provides the main entrance door on the elevation facing towards Sledmere Drive with hanging tile detailing between the entrance door and first floor window. An additional set of French doors and landing window are located on this elevation. The design of this elevation facing Sledmere Drive is almost identical to the

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original side elevation design of the host property at 20 Fountains Drive so is considered to fit in with the original character and appearance of the dwellings within the estate.

28. The Inspector in the dismissed 2021 appeal noted the previous design of the side elevation facing Sledmere Drive as providing a featureless gable elevation (Appendix 4). This current proposal has provided an additional three paned window and increased the proportions of the single window on the first floor, provided a set of French doors and relocated and increased the proportions of the entrance door on the ground floor and provided sections of horizontal cedar board panelling between the entrance door and first floor windows and roof. The design alterations to this elevation facing Sledmere Drive is considered to have addressed the design concerns raised by the planning inspector in the previous dismissed appeal.
29. The elevation facing towards Fountains Drive has been designed with a modest single storey lean to off-shoot which has a similar scale and appearance to an entrance porch. The remainder of the front elevation has been designed with cedar board panel detailing between the ground and first floor windows. The original properties had hanging tile detailing between the ground and first floor windows but several properties along Fountains Drive have replaced the tiles with a mixture of vertical and horizontal panelling. The design and window proportions on this elevation replicate the front elevation designs of the existing semi-detached properties within Fountains Drive.
30. The proposed materials for the dwelling will be red-multi faced brickwork with slate effect roof tiles to match the existing properties within the street scene. The windows will be grey anthracite upvc windows and the cedar panelling will be light grey. Whilst the colour of the windows differ from the prevailing white upvc windows within the street it is noted that the existing properties could alter their window frame colour under permitted development rights without requiring planning permission. Similarly within Fountains Drive there is a mixture of colours for the decorative tiles and panelling between the ground and first floor windows. Specific details of the materials for the proposal will be secured by condition.
31. An objection has been received that the proposal is for a 3 bed property and could subsequently be extended to a four-bedroom property which would impact on the appearance and scale of the dwelling. Particularly as the parking provision is in accordance with a four-bedroom property. Given the prominent location of the site and the potential impact of an extension to the appearance of the property (supported by the previous inspector's decision in relation to scale and bulk), a condition will be placed on the application that any future extensions would require planning permission and therefore be able to be considered at that time.
32. This revised scheme is considered to have addressed the previous reasons for refusal of the 2021 submission and the concerns raised by the Inspector in relation to the overall bulk and scale of the dwelling within the dismissed appeal decision.
33. Overall, the site layout design, the scale and mass of the proposed dwelling within the site and its design and materials are considered to be in keeping with the character of the site and surrounding area. The proposal is considered to be in accordance with Core Strategy Policies DC1 (b), CS5 (c&f), UDSPD, National Design Guide and paragraph 135 of the NPPF.

Amenity

Local and National Planning Guidance

34. Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
35. Paragraph 135 of the NPPF sets out that consideration should be given to development providing a '*...high standard of amenity for existing and future users*'.
36. The Council's Urban Design Supplementary Planning Document (UDSPD) Section 5 sets out specific guidance in terms of the potential impact of new residential development on the privacy and amenity of the neighbouring properties. The individual paragraphs reference extensions, however the basic principles set out within this criteria do apply to new housing development, given the heading of this section of the SPD.
37. Reference is made within paragraph 5.4(d) to the fact that new development should not dominate neighbour's windows which could potentially impact the amount of light to the neighbours. Further consideration is given to the potential overbearing impact of development within paragraph 5.4 (f), that comments an overbearing impact can be caused by the presence of an expanse of proposed brickwork which should be avoided, particularly where it impacts on a neighbour's primary room windows.
38. The UDSPD guidance provides guidance within paragraph 4.9 on privacy distances for new developments. The guidance sets out that a minimum of 21 metres unobstructed distance between principal room windows that face each other for buildings over single storey and 14 metres for single storey proposals. The guidance sets out that primary windows relates to living and dining rooms but not bedroom windows.

Amenity Assessment

39. Objection comments have been received that the proposal would result in loss of privacy/outlook, overbearing and increase in noise.
40. The application site is located on a corner plot with residential properties surrounding the site. The proposed dwelling is double fronted with the south-west elevation facing towards the semi-detached bungalows at 1 North Wood and 15 Fountains Drive. The main habitable room windows on this elevation will be positioned approximately 21.7 metres from 1 North Wood and 15 Fountains Drive. This separation distance accords with the 21 metres privacy guidance distance set out within the Council's Urban Design Supplementary Planning Document (UDSPD) and so there is considered not to be any significant issues in terms of loss of privacy to the occupants located opposite the site across Fountains Drive.
41. The north-west elevation of the dwelling facing towards Sledmere Drive will have a set of French doors, entrance door and two first floor windows (landing and bedroom) facing towards the front elevation of 29 Sledmere Drive and the side elevation of 18 Fountains Drive. There will be a minimum separation distance of 37 metres remaining between the proposed windows and the neighbours at 29 Sledmere Drive and 18

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Fountains Drive, which exceeds the 21-metre privacy distance suggested in the Council's UDSPD.

42. The windows on the rear elevation facing towards the bungalow at 22 Sledmere Drive will be a kitchen/dining room window and first floor bathroom and bedroom window. There will remain a minimum separation distance of approximately 19.2 metres between these three windows and the side elevation of the neighbours at 22 Sledmere Drive, exceeding the Council's UDSPD (paragraph 4.9) guideline distance of 14 metres. The windows on the rear elevation area therefore considered to have no notable adverse impacts on privacy and amenity in this regard.
43. In terms of the impact on the garden areas at 22 Sledmere Drive, the two first floor windows are a bathroom and bedroom window which are not classed as habitable room windows. Furthermore, the current front garden area at 22 Sledmere Drive is an open garden and not an enclosed private space so the resulting impact on the privacy of the users of the front garden area is considered not to be significant with the proposed first-floor windows being at an oblique angle to the rear garden area at 22 Sledmere Drive resulting in no direct overlooking.
44. The front and rear elevation windows of the proposed dwelling will be at an oblique angle and will not directly face any habitable room windows or the garden areas of the adjacent property at 20 Fountains Drive. The proposal is therefore considered not to have any significant impact on the privacy to the occupants at 20 Fountains Drive.
45. Objections have been received that the proposed two storey dwelling will be overbearing to the neighbouring bungalows. The proposed dwelling will be a continuation of the existing building line in the street, meets the design guide privacy spacing standards and is of a suitable scale and massing in comparison to the existing two-storey dwellings along Fountains Drive. It is therefore considered that the proposed dwelling would not result in an overbearing impact on the surrounding properties or their associated amenity space and would not result in a significant loss or light associated with other properties. It is noted that during the morning there may be some loss of light to the rear garden of 20 Fountains Drive although not during the afternoon. Although there may be some impact in the morning this is not considered to be significant and would not be any more notable than the existing impacts within the estate, given the replication of plot / property layouts.
46. The rear elevation of the dwelling will project towards the bungalow located to the rear of the application site at 22 Sledmere Drive. There will remain a minimum separation distance of 19.2 metres from the rear elevation of the proposed dwelling and the side elevation of 22 Sledmere Drive. Given the separation distance which will be retained, the proposed dwelling is not considered to have a significant overbearing impact on the occupants of 22 Sledmere Drive.
47. In terms of potential overbearing impact on the adjacent property at 20 Fountains Drive, the proposed dwelling will be sited 1 metre from the side elevation of 20 Fountains Drive with the rear elevation projecting a maximum of 0.5 metres beyond the existing rear elevation of 20 Fountains Drive. The Council's UDSPD guidance sets out that two-storey rear extensions are considered acceptable in terms of neighbour's amenity providing they project no more than 3 metres and are set in from the boundary. The 0.5 metres projection distance beyond the neighbour's property will result in the proposal having no significant overbearing impact on the occupants at 20 Fountains Drive.

48. Objection comments have been received regarding potential construction noise. There will be some associated noise from the construction of a new dwelling, should the noise levels be prevalent outside of normal working hours then this would be a matter which could be addressed through environmental protection legislation rather than through planning legislation.

Highway Assessment

49. The Council's Core Strategy Policies CS17 (Transport Strategy), CS18 Demand management) and CS19 (Road Safety) reflect the sustainable development principles of the NPPF in considering new housing development and are considered relevant to this proposal.
50. Policy CS17 requires all new development to be located where there will be no detrimental impact on the operation of the strategic network with Policy CS19 commenting that any new development should not have a detrimental impact on road safety. Policy CS18 sets out that new development should incorporate measures aimed at improving the choice of transport options.
51. Objection comments have been received that the proposal will result in an increase in traffic, pedestrian/child safety, potential accidents from creation of a blind spot on the corner location and potential issues with a new driveway being located opposite an existing driveway.
52. The detached garage which was located on the application site has been demolished and a new driveway has been installed to the front of 20 Fountains Drive with both developments having been completed under the permitted development regulations.
53. The proposal will relocate the original position of the driveway off Sledmere Drive further east towards the driveway for 22 Sledmere Drive and further away from the junction with Fountains Drive and Sledmere Drive. The relocation of the proposed driveway and the parking provision provided is considered in highway terms to be acceptable.
54. The objection comments regarding the impact of the installation of a driveway opposite an existing driveway are noted, however, this is a common occurrence within the area in terms of the location of driveway accesses.
55. In terms of potential blind spots, the application site is located outside of the public highway and is not within the ownership of the Local Authority. With the land being outside of the control of the Local Authority the sightlines for vehicles at this junction cannot include this area of land. However, the sightlines which are achievable, within the public highway, are in accordance with national guidance and as such the construction of the dwelling will not have a detrimental impact on visibility or highway safety.
56. The parking provision provided for the proposed dwelling is considered to be acceptable and there are no highway objections, subject to a condition that prior to occupation of the new dwelling the parking provision for both properties is completed.

Nutrient Neutrality

57. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.
58. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
59. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications
60. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator and the details were sent to the agent to advise them of the total annual nitrogen load the development must mitigate against.
61. The initial comments received from Natural England in July 2024 required additional information regarding mitigation for the proposal. Since these comments were provided the applicant has recently obtained the required number of mitigation credits provisionally from Natural England.
62. Following completion of a revised Habitat Regulation Assessment it is considered the proposal has achieved the required nutrient neutrality mitigation and can be recommend for approval, subject to there being no objections received from Natural England to the latest ongoing Habitat Regulation Assessment consultation.

Residual matters

Item No:

63. Objection comments have set out that there is a covenant on the site to preserve the overall outlook/aspect of the area. Any covenants on the property are legal obligations for the owner of the property and are not a material planning consideration which can be assessed as part of the application.
64. Objection comments have been received that the proposal will set a precedent for development on corner plots within the estate and the loss of open space area. Each application is considered on its own planning merits and the approval of this scheme would not set a precedent for future developments.
65. Objection comments have been received regarding the current state of the site. The state of the site is the subject of an enforcement case. However, whilst there is a planning application being considered any enforcement action is placed on hold until the planning application is determined.
66. Comments have been received that the planning department are considering a further application which is again upsetting for residents. Whilst these comments are noted, the Local Planning Authority has a statutory duty to consider planning applications which are submitted and to notify residents on any submissions.
67. Objection comments relating to the proposal being for financial reasons is not a material planning consideration which can be considered.

Conclusion

68. The revisions provided to the design and scale of the proposed dwelling following the previous application which was dismissed at appeal are considered to have addressed each of the points raised by the Inspector within the appeal decision. The site layout, scale and design of the proposed dwelling is considered to fit in with the existing character and appearance of the area and will result in no significant impacts on in terms of residential amenity or highways.
69. The only outstanding matter relative to this proposal is for the response of Natural England in relation to the consultation exercise and the recommendation is therefore to approve subject to the positive agreement from Natural England that adequate mitigation regarding nutrient neutrality has been achieved.

RECOMMENDATIONS AND CONDITIONS

Minded to Approve with conditions subject to Nutrient Neutrality Certificate compliance

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with

Item No:

the plans and specifications detailed below and shall relate to no other plans:

- a) Location Plan drawing 2413/01 dated 4th July 2024
- b) Existing site plan drawing 2413/02 dated 4th July 2024
- c) Proposed site plan drawing 2413/03 'E' dated 31st July 2024
- d) Proposed floor plans and elevation drawing 2413/04 'D' dated 4th July 2024

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Materials - Samples

Prior to the construction of the external elevations of the building(s) hereby approved samples of the external finishing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

4. PD Rights Removed Extensions/Alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no building hereby approved shall be extended or materially altered in external appearance in any way, including any additions or alterations to the roof, without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

5. PD Rights Removed Alterations to Means of Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure hereby approved shall be removed or materially altered in external appearance in any way without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

6. Car Parking Laid Out

No part of the development hereby approved shall be occupied until the areas shown on the approved plans for parking has been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Item No:

Reason; To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

7. Method of Works Statement

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details;

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users having regard for policy DC1 of the Local Plan.

8. Nutrient Mitigation Scheme – Credits or suitable alternative

Prior to the commencement of development hereby approved a copy of the signed Final Credit Certificate from Natural England, must be submitted to and approved in writing by the Local Planning Authority. If the final credit certificate cannot be obtained for any reason full details and specifications of an alternative Nutrient Neutrality Mitigation Scheme, including any long-term maintenance and monitoring details must be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England) prior to any commencement of works on site. Thereafter the development shall be carried out in accordance with the approved Nutrient Neutrality Mitigation Scheme.

Reason: To ensure the appropriate mitigation of nutrients to protect the Teesmouth and Cleveland Coast Special Protection Area in accordance with the requirements of Regulation 63 of the Habitats Regulations

Reason for approval

This application is satisfactory in that the design of the proposal dwelling accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with the NPPF. In addition, the proposed dwelling accords with the local policy requirements (Policies DC1 and CS5 of the Council's Local Development Framework).

In particular the dwelling is designed to that it's appearance is complimentary to the existing properties and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The dwelling will not prejudice the appearance of the area and does not significantly affect any landscaping and there are considered to be no highway safety issues.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

- Discharge of Condition Fee
Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website
<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.
- Building Regulations
Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at buildingcontrol@middlesbrough.gov.uk.

Where a building regulations approval is obtained which differs from your planning permission, you should discuss this matter with the Local Planning Authority to determine if the changes require further consent under planning legislation.
- Statutory Undertakers
The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.
- Contact Northern Gas
The applicant must contact Northern Gas Networks directly to discuss requirements in detail. There may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. We are advised that should diversionary works be required these will be fully chargeable.
- Name and Numbering
Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on 01642 728155.
- Deliveries to Site
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries

Item No:

and measures that may be required so as to mitigate the effect of the obstruction to the general public.

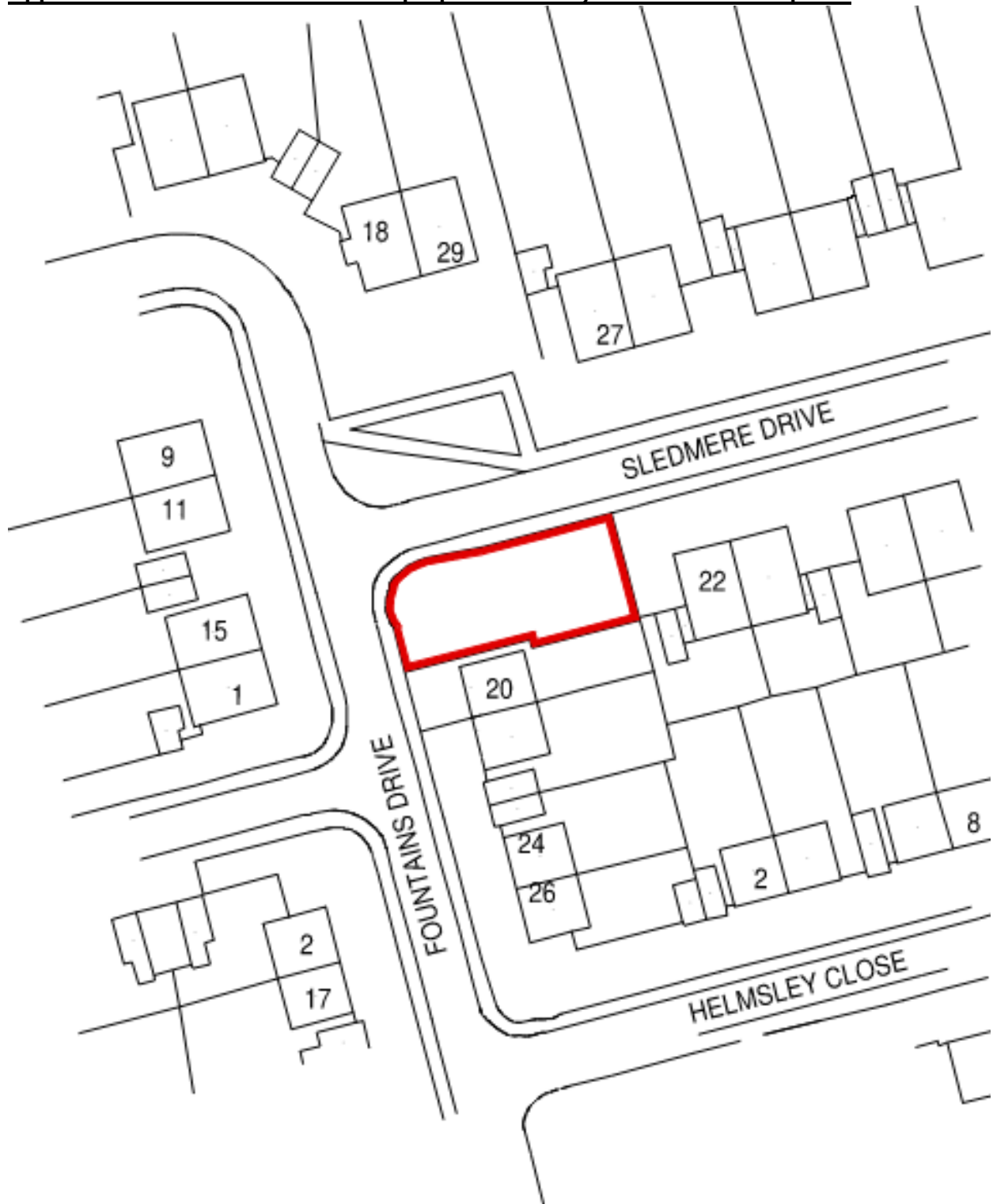
- Dropped Kerb - S184

The permission hereby granted should not be construed as authority to work within the public highway. Highways consent is required for the creation/alteration of a dropped vehicle crossing under Section 184 of the 1980 Highways Act. Such works will need to be carried out at the applicant's expense by Middlesbrough Council approved contractors. The applicant is advised that prior to the commencement of works on site they should contact the Highway Authority (01642 728156).

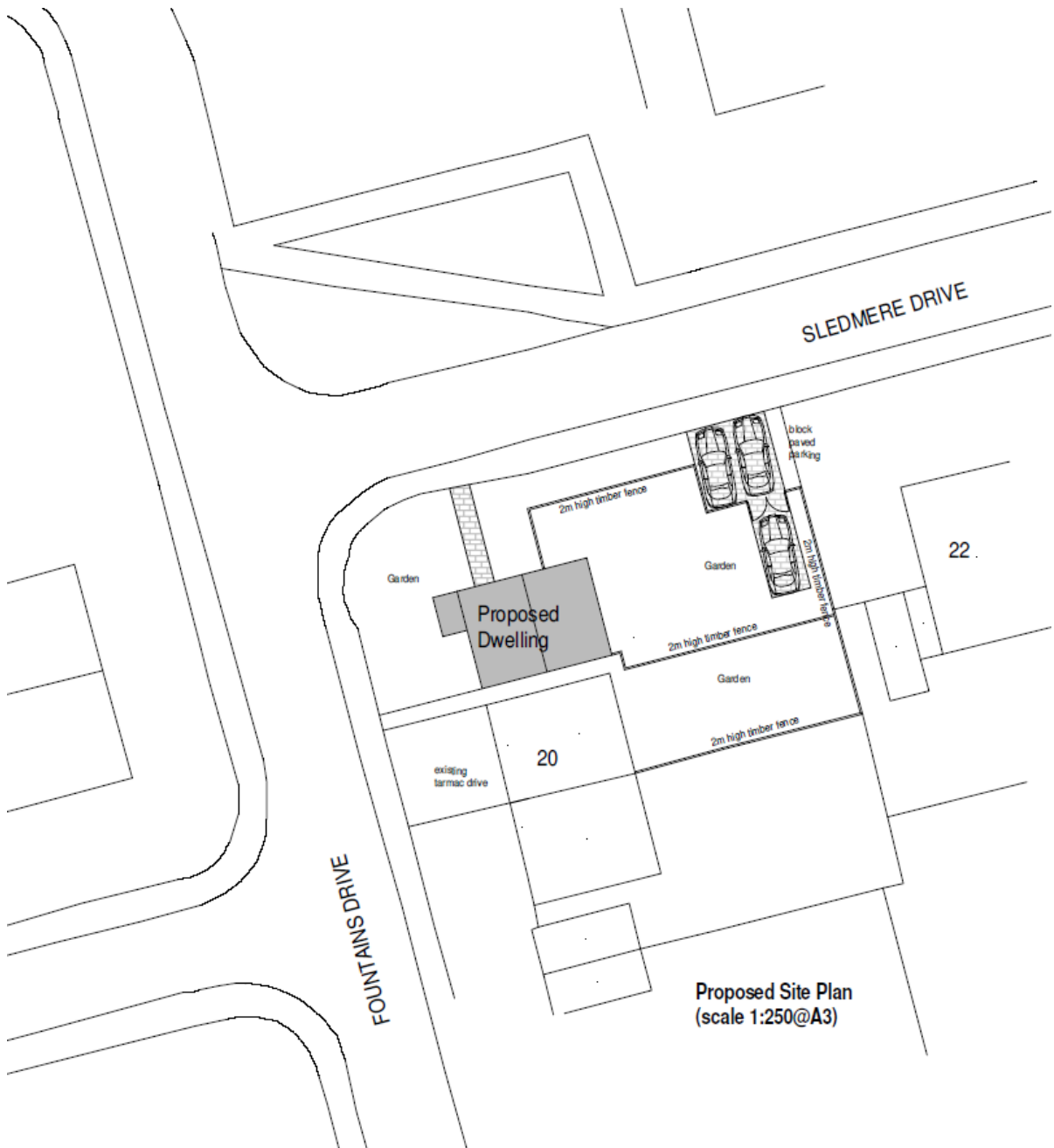
Case Officer: Debbie Moody

Committee Date: 10th October 2024

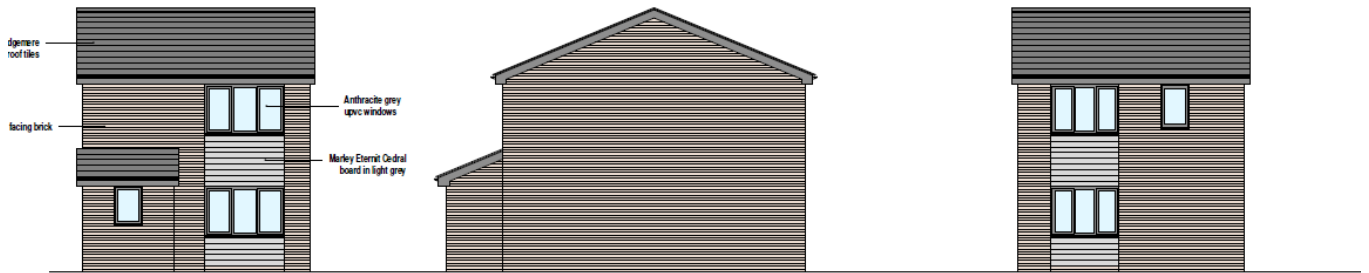
Appendix 1 - Site location Plan and proposed site layout and elevation plans



Appendix 1- Current application proposed site layout plan



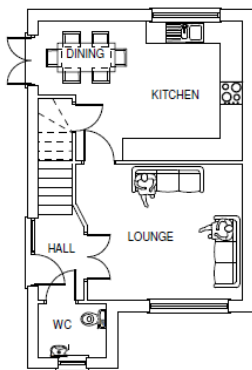
Appendix 1 – Current application proposed elevation plans



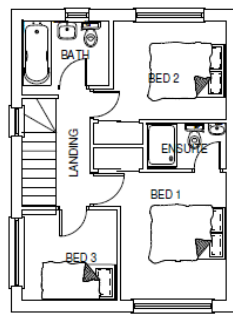
Proposed S.W. Elevation
(scale 1:100@A3)

Proposed S.E. Elevation
(scale 1:100@A3)

Proposed N.E. Elevation
(scale 1:100@A3)



Proposed Ground Floor Plan
(scale 1:100@A3)



Proposed Ground Floor Plan
(scale 1:100@A3)



Proposed N.W. Elevation
(scale 1:100@A3)

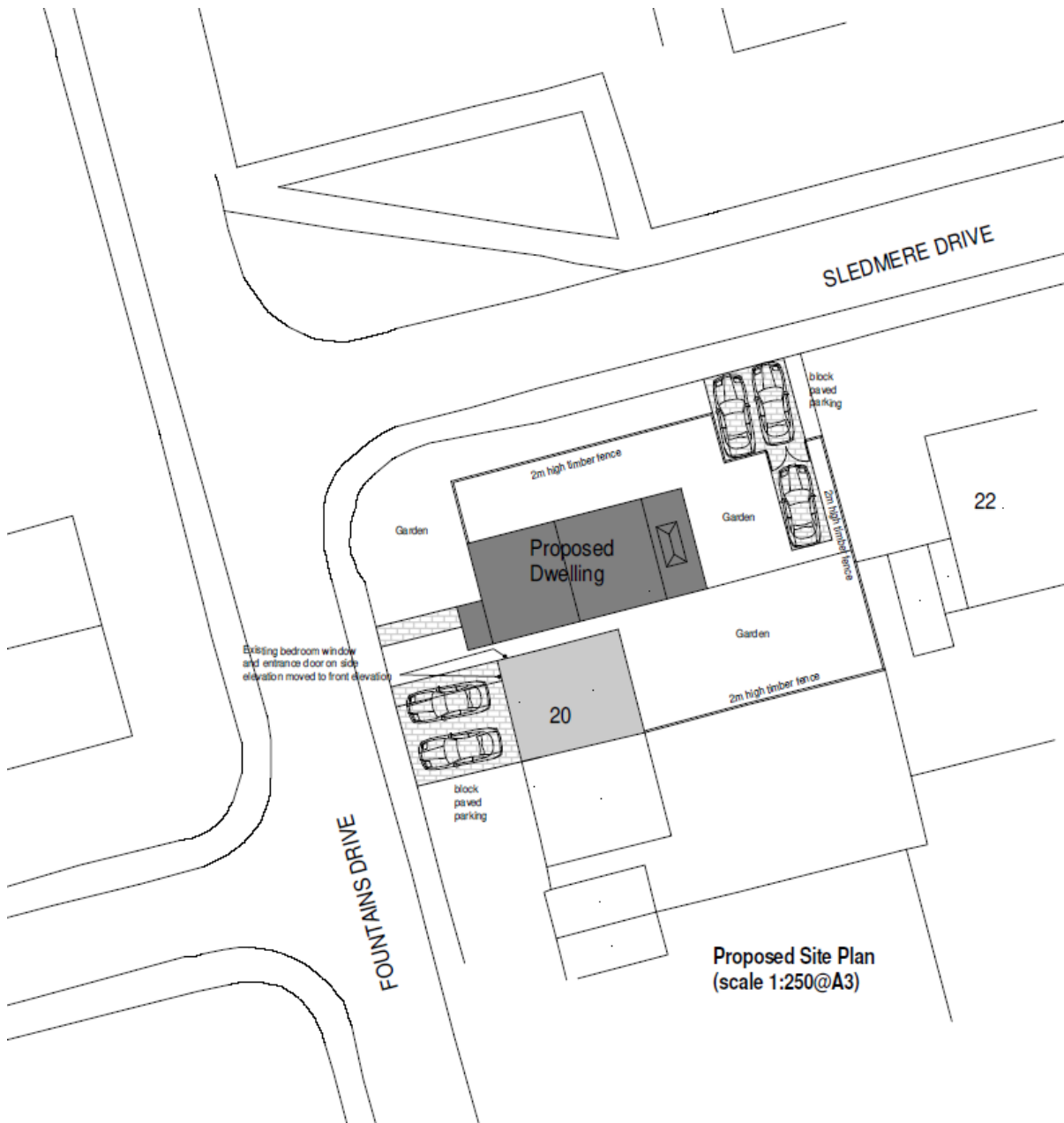
REV D: NEW SUBMISSION 02-07-24
REV C: REVISED TO SUIT APPEAL 08-04-22 INSPECTORS COMMENTS
REV B: ROOF GEOMETRY REVISED 15-07-21 TO SUIT LPA COMMENTS

Sean McLean
Map House, 22 Portrack Grange Rd, Stock
Tel : 077 11127641 E-mail smdlesi@bt.com

PROPOSED DEVELOPMENT
20 FOUNTAINS DRIVE,
FOR MR. J JOHNSTON

PROPOSED FLOOR PLANS & ELEVATIONS

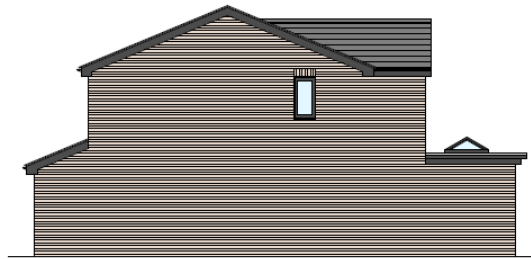
Appendix 2 - Previous refused and dismissed at appeal site layout plan (21/0290/FUL)



Appendix 2 - Previously refused and dismissed at appeal elevation drawings (21/0290/FUL)



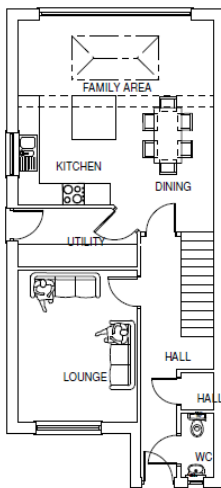
Proposed S.W. Elevation
(scale 1:100@A3)



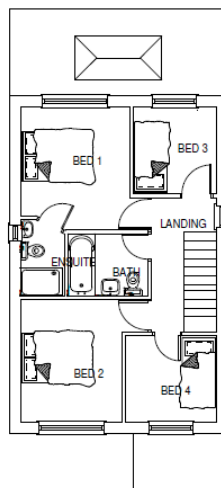
Proposed S.E. Elevation
(scale 1:100@A3)



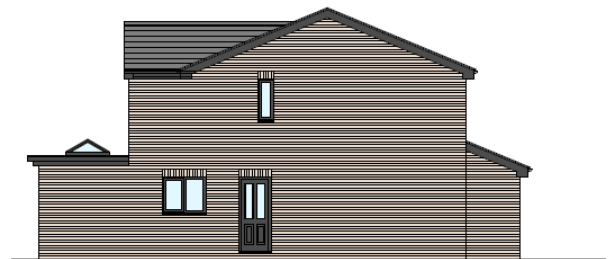
Proposed N.E. Elevation
(scale 1:100@A3)



Proposed Ground Floor Plan
(scale 1:100@A3)



Proposed Ground Floor Plan
(scale 1:100@A3)



Proposed N.W. Elevation
(scale 1:100@A3)

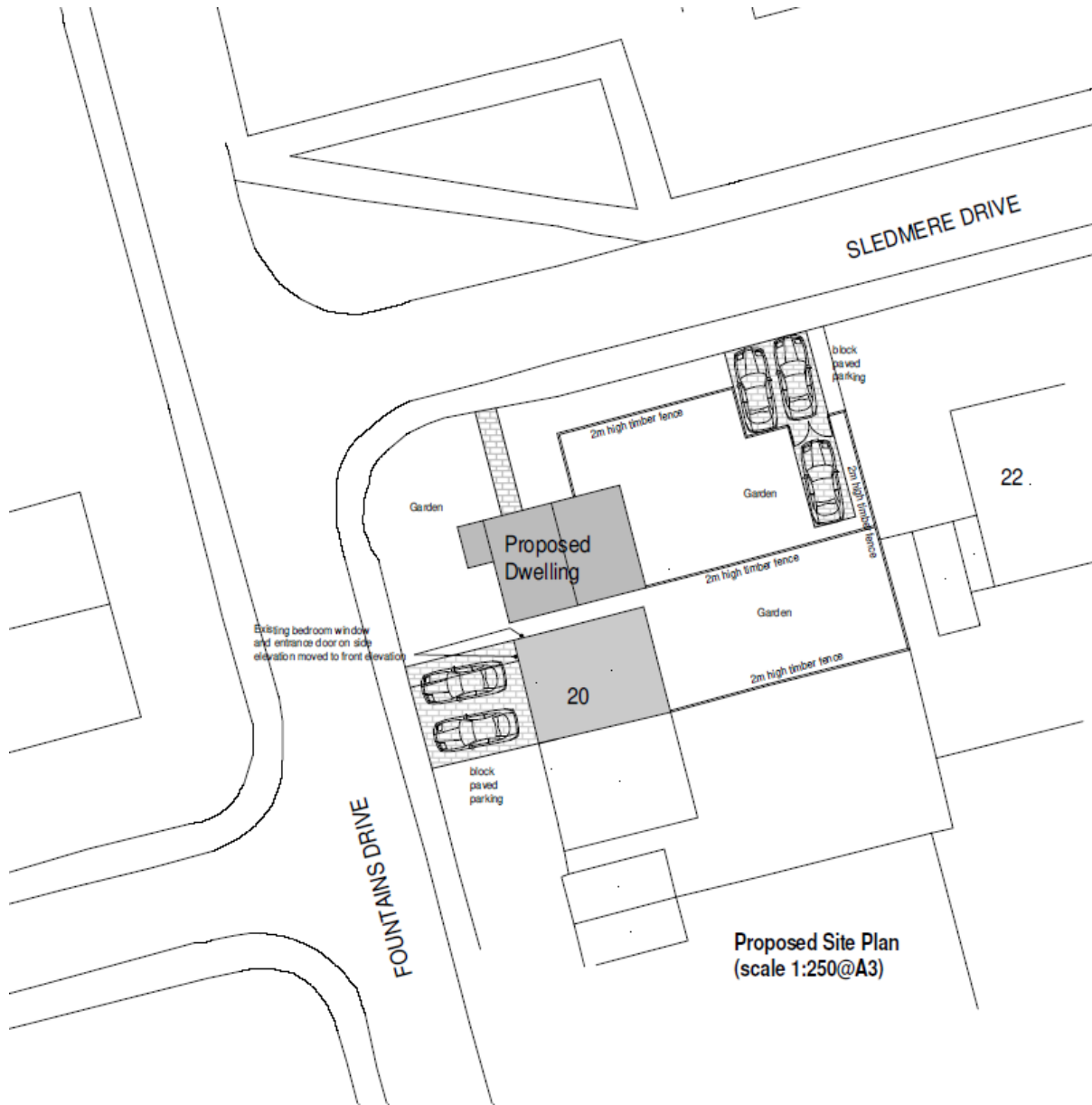
REV 9 ROOF GEOMETRY REVISED 15-07-21
TO SUIT LPA COMMENTS
REV A DEPTH OF FINISH INC DEFINED BY 1:1m 06-07-21

Sean McLean Design
Map House, 22 Pentrack Grange Rd, Stockton-on-Tees, T
Tel: 077 1127641 E-mail: smdesign@seanmc.co.uk

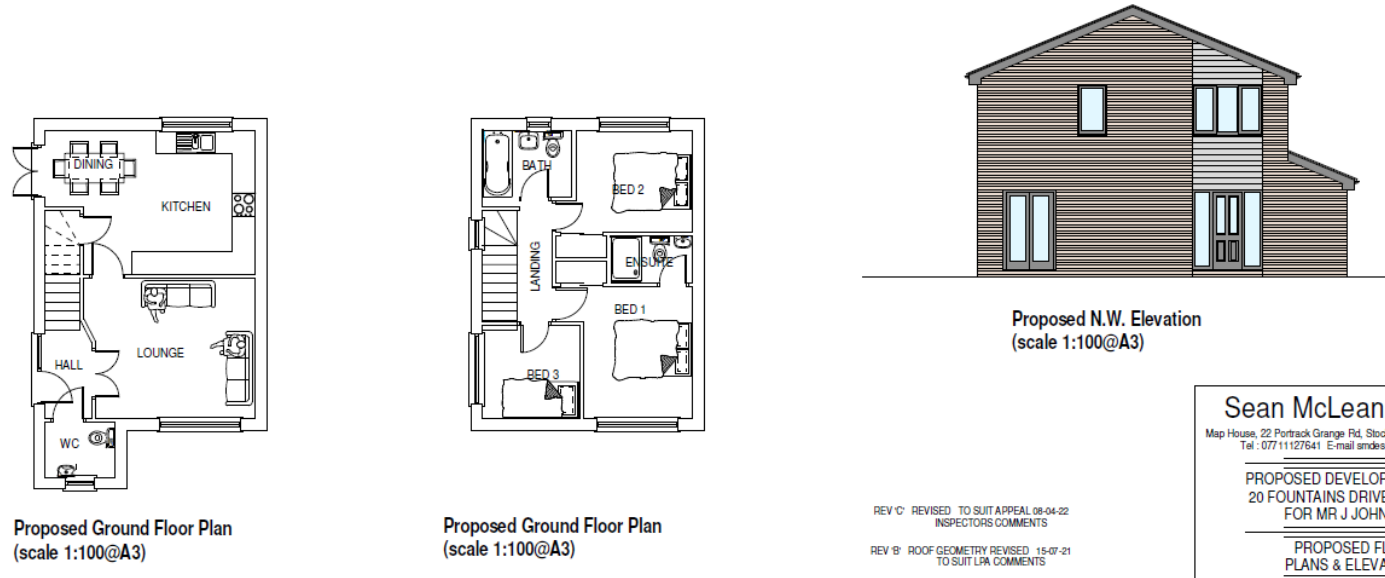
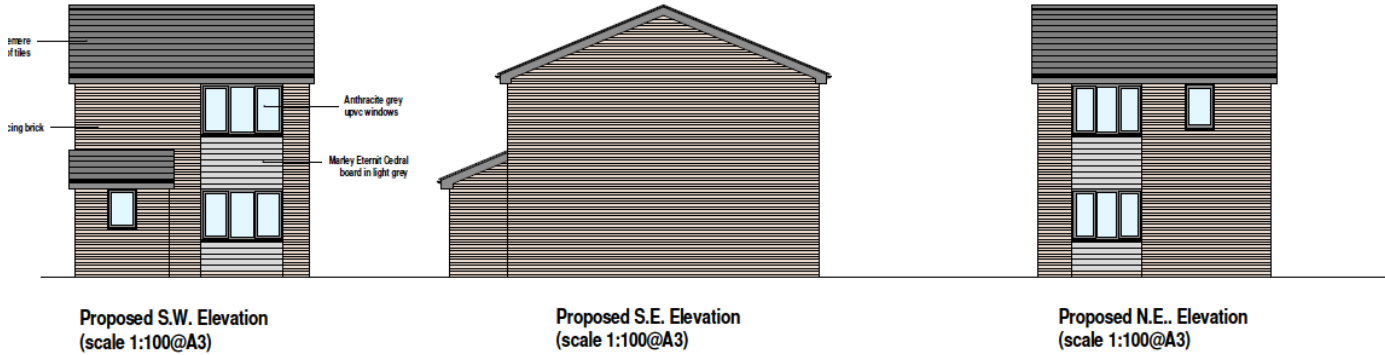
PROPOSED DEVELOPMENTS A1
20 FOUNTAINS DRIVE, ACKLAM
FOR MR J JOHNSON

PROPOSED FLOOR
PLANS & ELEVATIONS

Appendix 3 – Refused application 22/0259/FUL proposed site layout - (refused due to Nutrient Neutrality mitigation not being provided).



Appendix 3 – Refused application 22/0259/FUL proposed elevations - (refused due to Nutrient Neutrality mitigation not being provided).



REV C: REVISED TO SUIT APPEAL 09-04-22
INSPECTORS COMMENTS
REV B: ROOF GEOMETRY REVISED 15-07-21
TO SUIT LPA COMMENTS

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PROPOSED DEVELOPMENT
20 FOUNTAINS DRIVE
FOR MR J JOHN:
PROPOSED FLOOR
PLANS & ELEVATIONS

Appendix 4 - Dismissed Appeal Decision for application 21/0290/FUL



Appeal Decision

Site visit made on 5 January 2022

by **J Hunter BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Appeal Ref: APP/W0734/W/21/3284713

20 Fountains Drive, Acklam, Middlesbrough TS5 7LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ruby Housing against the decision of Middlesbrough Borough Council.
 - The application Ref 21/0290/FUL, dated 9 April 2021, was refused by notice dated 14 September 2021.
 - The development proposed is construction of detached dwelling.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for a full award of costs was made by Ruby Housing against Middlesbrough Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is an area of garden land at the side of an existing two storey dwelling on a prominent corner plot. The site is within an established residential estate characterised by single and two-storey properties that are relatively uniform in character due to the limited palette of materials, fenestration detailing and strong building line. Spacious plots and open front gardens afford the area with an open character.
5. The proposal would see the development of a two-storey detached dwelling to the side of an existing pair of semi-detached houses and occupying a large proportion of the open area of garden to the side of the host dwelling. The property would have similar proportions to that of the neighbouring houses and would be finished in similar materials. However, whilst the new dwelling would fall in line with the established building line at the front, it would have a significantly deeper floorplan which would mean that at the rear, it would project beyond the rear elevations of the neighbouring houses by approximately 5 metres in total, albeit only around 2.5 metres would be two storeys.

Appeal Decision APP/W0734/W/21/3284713

6. The proposed 2 metre high fence would partially screen the single storey rear element of the proposal. However, I consider that by virtue of its, scale, bulk and almost featureless gable wall, the proposed dwelling would appear dominant and incongruous in this prominent corner location. For this reason, it would cause harm to the character and appearance of the surrounding area and would therefore fail to satisfy the requirements of Policy DC1 of the Middlesbrough Local Development Framework, Core Strategy 2008 which amongst other things, requires that proposals take account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale.

Other Matters

7. The appellant has provided some details of development proposals that have been approved within the surrounding area, including at the appeal site. Two of the proposals appear to be for dormer bungalows and are therefore not directly comparable to the current proposal. The third proposal was for a two-storey dwelling on the appeal site but with frontage onto Sledmere Drive. I am not certain of the circumstances under which this application was approved or why it was not constructed, nonetheless, I must determine this appeal on its own merits and whilst I have taken into account the planning history of the site, it does not outweigh the harm I have identified in relation to the main issue.

Conclusion

8. There are no material considerations that indicate the application should be determined other than in accordance with the development plan when taken as a whole. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR